

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

USDC SECTY	DOC #:
DOCUMENT	DATE FILED:
ELECTRONICALLY FILED	4/22/08

BRIAN CHENENSKY, individually, and on behalf of all others similarly situated,

Plaintiff,

v.

NEW YORK LIFE INSURANCE CO., NEW YORK LIFE INSURANCE AND ANNUITY CORP., NY LIFE INSURANCE CO. OF ARIZONA, JOHN DOES 1-50 (said names being fictitious individuals), and ABC CORPORATIONS 1-50 (said names being fictitious companies, partnerships, joint ventures and/or corporations).

Defendants.

Civil Action No. 07 cv 11504

**[PROPOSED] SCHEDULING ORDER**

*Electronically Filed*

Counsel for all parties having appeared before the Court for an initial conference on April 4, 2008, the following schedule is established on consent:

1. The parties shall engage in an initial phase of discovery relevant to Plaintiff's claims, but excluding material relevant only to certification of a class under Fed.R.Civ.P. 23 or a collective action under 29 U.S.C. §216(b), on the following schedule:
  - a. Upon signature of this Order by the Court, all parties are entitled to serve all discovery requests relating to the initial phase of fact discovery.
  - b. On April 25, 2008, the parties will exchange the information relevant to the initial phase of discovery and required by Rule 26(a)(1) of the Federal Rules of Civil Procedure.
  - c. The initial phase of fact discovery shall be completed by August 29, 2008.
  - d. With respect to the initial phase of expert discovery, the parties —
    - i. shall make initial expert designations by August 1, 2008;

- ii. shall exchange initial expert reports by September 1, 2008;
- iii. shall designate rebuttal experts and exchange rebuttal expert reports by October 1, 2008; and
- iv. shall complete expert depositions by November 1, 2008.

2. A status conference will be held on September 19, 2008 at 10:30 a.m. At any time before the status conference, the parties may, in compliance with the Court's Individual Practices, seek permission to file dispositive motions and a motion for collective action certification, as appropriate.

Dated April 16, 2008  
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III  
U.S.D.J.